

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTWAN McCARREL  
Plaintiff

Civil Action

v.

No. 2:24-CV-01358

HUNTER SARVER, et al  
Defendants

Plaintiff Motion To Amend Complaint For  
Failure To State A Claim.

Now come Antwan McCarrel submitting this motion to amend The complaint  
For Failure to state a claim.

**FILED**

APR 08 2025

Allegheny County Jail Mission Statement

CLERK U.S. DISTRICT COURT  
WEST DIST OF PENNSYLVANIA

Custody in ACJ is not intended to be Punitive. Our rules and  
regulations ensure that the jail environment is secure, safe  
and orderly for the protection of all who live or work in ACJ.

ACJ strives for mutually respectful interactions between staff  
and inmates as one way to maintain a positive atmosphere.

Inmate Handbook Rules Chapter 2

Rule #5) When a directive to lock up is given, go immediately to your  
assigned cell.

Rule # 16) You must obey all verbal orders and directives given by any ACP Staff. The jail must be very strict about this to maintain order and safety of all concerned. If conflicting orders are given, Follow the last order given to you.

## 1. FACTUAL SUMMARY

1. Plaintiff Filed a complaint on September 6, 2024, Which the Court deemed a deficient Filing. It was subsequently refiled and accepted on October 30, 2024.

2) The Plaintiff at all times relevant Was a pretrial Detainee held in the Allegheny County Jail.

3) All of the defendants are Corrections officers at the Allegheny County Jail.

4) On 4-16-2024 on Pod 4C the Plaintiff claims that he was subject to an unlawful Visual Search of his body incidental to his Placement in restrictive housing. In violation of the UNITED STATES CONSTITUTIONAL Amendment FOUR, FIVE, and the Fourteenth.

5) On 7-22-2024 on Pod 3B In a separated incident. The Plaintiff was subjected to Physical force At Med Pass in line. When officers put hands on him and deployed tasers against him on two Occasions. Once by defendant Sarver and after a correctional

Officer called for assistance. When defendants Turner and Gamboa responded and Gamboa took him to the floor with a leg sweep and Turner deployed his taser on Plaintiff when he was on the floor. All defendants violated the Plaintiff UNITED STATES CONSTITUTIONAL Rights Amendment Four, Five, and Fourteenth.

6) In both occasions the incidents both were started by the defendants after a verbal dispute. The Plaintiff never approached any of the defendants in a assaulting or aggressive manner. In both occasions the Plaintiff's hands are at his sides and in a defensive position. There is no justification for the force that was used on the Plaintiff, that suffer from a mental health illness.

7) In both occasions the defendants are in violation of the rules and procedures and policies of the Allegheny County Jail. Under their Policies for Justification of Force.

8) On both occasions the action from both parties were caught on the security camcorders on both pods where the abuse and the assault took place. On Pod 4C on 4-16-2024 At around 2:48 PM and 3B on 7-22-2024 At around 19:47 PM.

## 2. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. section

1331 and 1343 (A)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. Plaintiff claims for injunctive relief are authorized by U.S.C. Section 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2) The Western District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

### 3. Plaintiffs

1. Plaintiff, ANTIWAN McCARREL, is and was at all times mentioned herein a prisoner of the State of PENNSYLVANIA in the custody of the Allegheny County Jail in Pittsburgh, PA.

### 4. Defendants

1. Defendant, HUNTER SARVER is a Correctional Officer of the Allegheny County Jail who at all times mentioned in this complaint, held the rank of Sergeant and was assigned to the Allegheny County Jail.

2) Defendant, Eric GAMBOA, is a Correctional Officer of the Allegheny County Jail who at all times mentioned in this complaint held the rank of Correctional Officer and was assigned to the Allegheny County Jail.

3) Defendant, ZACHARY TURNER, is a Correctional Officer of the

Allegheny County Jail who at All times mentioned in this complaint, held the rank of Correctional officer and was assigned to the Allegheny County Jail.

4) Each defendant is being sued individually in his official and un official capacity. At All times mentioned in this complaint, each defendant acted under the color of State law.

## 5. LEGAL claim

1. On both occasions the Plaintiff was never in any violation of the Allegheny County Jail rules, policies or procedures. In the first incident the Allegheny County Jail was on a institutional lock down. The second incident the Plaintiff was inline for med pass. On both occasions the Plaintiff never acted in a aggressive manner towards the Correctional officers or did anything aggressively to justify the level of force that was used against him. Violated the Plaintiff rights constituted "excessive use of Force", "illegal search and seizure", "Cruel and unusual punishment", "due process violation" under the Fourth Amendment, Fifth Amendment, and Fourteenth Amendment of the United States Constitution. The Plaintiff suffer from mental health illness placing the defendant in violation of the Americans Disabilities Act for "lack of care", "Inadequate care", "lack of training dealing with mental health prisoners".

2) The Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs described herein, Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the

declaratory and injunctive relief which plaintiff seeks.

## 6. Relief

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting Plaintiff:

1. A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and law of the UNITED STATES.
- 2) A Preliminary and Permanent injunction ordering defendants, HUNTER SARVER, ERIC GAMBOA, Zachary Turner to be demoted from any rank they have for disciplinary reasons, and to undergo intensive mental health training on how to interact with the mentally disable.
- 3) Compensatory damages in the amount of \$ 100,000.00 against each defendant, jointly and severally.
- 4) Punitive damages in the amount of \$ 100,000.00 against each defendant ERIC GAMBOA, Zachary Turner and the amount of \$ 200,000.00 against defendant HUNTER SARVER.
- 5) A jury trial on all issues triable by jury.
- 6) Any additional relief this court deems just, Proper, and equitable.

4-3-2025

ANTWAN MCCARREL

DOC # 179460

Allegheny County Jail

950 Second Ave

Pittsburgh PA 15219

## 7. VERIFICATION

I, I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed At: Allegheny County Jail on 4-3-2025

Antwan McCarrel

ANTWAN MCCARREL